

14 APR 1959


MEMORANDUM FOR: Legislative Counsel

SUBJECT: S.1489 to Amend Title 28 of the United States Code to
Provide for Certain Judicial Review of Administrative
Removals and Suspensions of Federal Employees

1. This bill proposes the addition of a new section to Chapter 85 Title 28 to accomplish the purpose described above. According to the remarks made by Senator Keating when he introduced it, the bill does not extend new rights to dismissed or suspended employees but enables them to take their cause to any Federal district court rather than only the D. C. district court and to the Court of Claims for restoration of pay. If this is completely accurate, we can see no reason for especial concern since the court of jurisdiction is that of the place of employment.

2. However, in the absence of some present explicit and broad provision for appeal in law, it seems to us that the language of Keating's bill would extend its provisions to all administrative actions for dismissal or suspension, including those taken under the authority granted to the Director of Central Intelligence by the provisions of Sec. 102(c) of the National Security Act of 1947. In such event, we can foresee problems in adequately defending the Agency's action by the necessity of protecting classified information even though there is a provision for excluding from the administrative record to be filed with the court matters which are "privileged or confidential."

3. We would be interested in your opinion regarding the effect of this bill on present appeal rights (aside from extending jurisdiction to all Federal district courts) of employees terminated by this Agency either under the inherent authority of the Director as head of the Agency or his special authority under Section 102(c).


Deputy Executive Officer
Office of Personnel

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